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November 9, 2007

Via fax & by hand

Hon. Charles L. Brieant  
United States District Judge  
United States Courthouse  
300 Quarropas Street  
White Plains, N.Y. 10601

LOVETT IN CASE #

LS:

*Letth*

DATE:

CLB/USDL

Re: The Guardian News, Inc. v. Amicone, 07 Civ. 7078 (CLB)

Dear Judge Brieant:

On consent of the parties Your Honor ordered depositions to be conducted in this matter this week since the injunctive trial is to commence Tuesday, November 13, 2007. In that regard I in-writing advised defense counsel that I intended to depose, amongst others, Defendants Amicone, Hartnett and Liszewski. I additionally so advised them that I intended to depose Assistant Corporation Counsel Lawrence A. Porcari, Jr.. All four deponents were subpoenaed by me.

Late yesterday afternoon Kevin Plunkett sent me a letter by via fax advising that Amicone, Hartnett, Liszewski and Porcari "will not" be produced for deposition (emphasis in original, a copy of which is enclosed. With respect to Hartnett, defense counsel belatedly advised that the Police Commissioner is supposedly out of state and will not return until tomorrow - - a claim not reiterated in yesterday's correspondence.

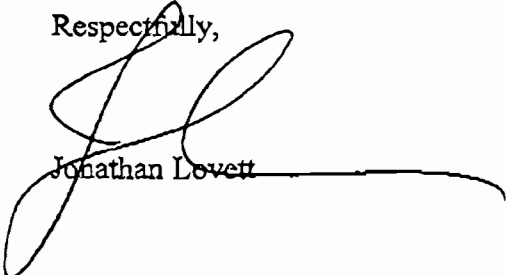
With respect to Mayor Amicone, while defense counsel has repeatedly claimed not to know (until late yesterday) whether the Mayor would appear for his deposition, I have it from good sources that Amicone has all week been advising certain "confidants" that because he (Amicone) is a Republican, Your Honor will never require him to testify.

Under the circumstances I am requesting an immediate Court conference in order to have the depositions of Amicone, Hartnett and Liszewski court-ordered. As to Porcari, who is not a named defendant in this action, I request that the Court prohibit him from

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testifying in the instant action and those other pending matters in which he is a named defendant. In making this request I do not intend to waive any right to move to have Porcari, an attorney, held in contempt.

Respectfully,

  
Jonathan Lovett

JL:clp

Encl.

Cc: Kevin J. Plunkett, Esq., w/o encl., via fax